

### **REMARKS**

The present Amendment amends claims 1, 2, 5, 7 and 8, leaves claims 3, 4 and 6 unchanged and cancels claims 9 and 10. Therefore, the present application has pending claims 1-8.

An amendment was made to the specification to update the cross-reference to the related application. Entry of the amendment to the specification is respectfully requested.

Claims 1, 7 and 8 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Amendments were made to claims 1, 7 and 8 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to claims 1, 7 and 8 to overcome the objections noted by the Examiner in the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matter be discovered so that appropriate amendments may be made.

Claims 1-8 stand rejected under 35 USC §103(a) as being unpatentable over Miller (U.S. Patent Application Publication No. 2002/0049977 A1). As acknowledged by the Examiner, this rejection is rendered moot being that the present application claims a priority date of February 24, 2000 which predates the effective date of August 10, 2000 of Miller. In order to perfect Applicants claim of priority, a certified

copy of the priority document was filed on December 20, 2000 at the time the present application was filed. To further perfect Applicants claim of priority, filed on even date herewith is a Sworn English Translation of the Priority Document. Entry of said Sworn English Translation of the priority document is respectfully requested.

Thus, being that Applicants have fully perfected their claim of priority, Miller is now not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application being that it is not prior to the invention of the present application. Therefore, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 1-8 as being unpatentable over Miller is respectfully requested.

It should be noted that even if Miller could be used for anticipatory or obviousness type purposes to reject the claims of the present application, Applicants submit that the features of the present invention as recited in the claims are not taught or suggested by Miller whether taken individually or in combination with any of the other references of record. Particularly, Miller does not teach or suggest the features of the present invention regarding the means for determining whether or not a video content requested from a terminal is stored in the video server, the means for transmitting a transmission request to another video server for transmitting the video content in accordance with HTTP when the video content requested by the terminal is not stored in the video server, and the means for receiving the video content transmitted from the other video server in accordance with the HTTP and transmitting the video content to the terminal in accordance with IP multicast.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1-8.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-8 are in condition for allowance. Accordingly, early allowance of claims 1-8 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.39409X00).

Respectfully submitted,

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